



Hawaiian Islands Humpback Whale National Marine Sanctuary

Sanctuary Advisory Council

Fifty-second Meeting

Thursday, March 13, 2008

9:30 a.m. to 3:30 p.m.

Honolulu International Airport

Inter-Island Conference Center

FINAL MINUTES

NON-GOVERNMENT (Voting)

Dale Sarver
Business and Commerce

David Hoffman
Citizen-At-Large

Terry O'Halloran
Commercial Shipping

Louis M. Herman, Ph.D.
Conservation

Liz Kumabe
Education

Robert Bruck
Fishing

Luana Howell
Hawai'i County

William A. Friedl
Honolulu County

James Yamamoto
Kauai County

Cheryl Sterling
Maui County

Pohai Kirkland
Native Hawaiian

Teri Leicher
Ocean Recreation

Adam Pack, Ph.D.
Research

Michael Stanton
Tourism

James E. Coon
Whale Watching

GOVERNMENT

Marnie Meyer
DBEDT - OP

Elizabeth Corbin
DBEDT Ocean Resources

Athline M. Clark
DLNR - DAR

Vacant
DOH

Dean Watase
DOT - Harbors

Vacant
Fagatele Bay NMS

Jerry B. Norris
OHA-Voting

Tom Friel
NMFS - Law Enforcement

Chris Yates
NMFS - PIRO

Aulani Wilhelm
NWHI Reserve

Eric Kingma
WESPAC-Voting

Cindy Barger
US ACOE

LCDR Mark Young
US Coast Guard

Rebecca Hommon
US Navy

Attendance

Primary Council Members Present:

Bob Bruck, Jackie Burke, Jim Coon, Bill Friedl, Lou Herman, Liz Kumabe, Becky Hommon, Luana Howell, Pohai Kirkland, Teri Leicher, Jerry Norris, Terry O'Halloran, Adam Pack, Dale Sarver, Mike Stanton, Cheryl Sterling, Don Thornburg, James Yamamoto

Alternate Council Members Present:

Jennifer Barrett, Keeley Belva (for Aulani Wilhelm), Chris Evans, Jill Komoto (for David Hoffman), Victoria Newman, Kathy Yim (for Liz Corbin), Reg White, William Worcester, Michelle Yuen (for Chris Yates)

Excused:

Cindy Barger, Athline Clark, Tommy Friel, Eric Kingma, Marnie Meyer, Mark Young

Others Present:

HIHWNMS: Christine Brammer, Mary Grady, Naomi McIntosh, Jeff Walters, Paul Wong

Distributed Materials

- Today's Agenda
- Table of Contents
- Draft Meeting Minutes from January 9, 2008
- Action Item Report
- Sanctuary Manager's Report
- Sanctuary Co-Manager's Report
- Maui County Report
- Kauai County Report
- Conservation Committee Report
- Education Committee Report
- Research Committee Report
- Aquaculture Committee Report
- SAC 2008 Directory
- HIHWNMS Highlights from 2007

Call to Order

The purpose of this meeting is to continue planning efforts for the year.

Council Chair Bill Friedl called the meeting to order at 9:45 a.m. Teri Leicher then took role.

Mr. Friedl provided a welcome and introduction for new council members:

James Yamamoto: Kauai County

Luana Howell: Hawaii County

Victoria Newman: Hawaii County Alternate

Chris Evans: Honolulu County Alternate

William Worcester: Maui County Alternate

Jennifer Barrett: Education Alternate

Pohai Kirkland: Native Hawaiian

Naomi McIntosh thanked both new and returning members for their willingness to serve on the Council. She also recognized Council members for their service during the previous term and provided certificates of appreciation to the previous members who were present at the meeting.

On behalf of the Council Bill Friedl presented Mary Grady with a certificate of appreciation and a lei as a thank you for her dedication to the council and sanctuary program. Ms. Grady thanked the council for all of their support and said she will miss working with them.

Approval of Meeting Minutes

The meeting minutes from the council's January 9, 2008 were read. Adam Pack requested a change to page 2 to make his comment a full sentence. The minutes were approved as corrected.

Public Forum

Bill Friedl asked the members of the public to introduce themselves and called for any public comments.

Discussion on Reports and Updates

Chair's Report:

Mr. Friedl asked the council members to review the Action Item Report (see attachment 1). Bill Friedl thanked the committee chairs for submitting reports and commended Adam Pack for the update that he provided to the council on the status of vessel-whale collisions this season.

Bill Friedl announced that he will be going to the SAC Chairs and Coordinators meeting in May to meet with other SAC Chairs, Coordinators, and Dan Basta. Mr. Friedl asked the council to let him know of any concerns they would like addressed at the national meeting. He will provide the council with this information before he leaves.

Sanctuary Manager:

Sanctuary Manager, Naomi McIntosh, submitted a written report (see attachment 2).

Ms. McIntosh stated she will stand on her written report but wanted a few moments to highlight a couple of recent updates. The Sanctuary has been very busy implementing programs and being creative in finding ways to maintain operations during the continuing resolution. Ms. McIntosh announced to the council that Ed Lyman continues to build the website for the Hawaiian Islands Humpback Whale Disentanglement Response Network. This year he has been working to explore opportunities on how this website can be used to its fullest potential. One idea is to allow Council members access to the site to increase awareness about the Network's ongoing response efforts.

Ms. McIntosh also discussed with the Council highlights from her annual Congressional visit to Washington D.C. where she spoke with Hawaii's congressional representatives about the Sanctuary's 2007 program highlights. A lot of focus of the discussions was on the Sanctuary's Management Plan Review and concerns about the critical status of Hawaii's monk seals.

A meeting with Dan Basta and Laura Thielen was held to discuss the process for evaluating additional resources for possible inclusion in the Sanctuary. The Sanctuary provided a copy of the *Assessment of Additional Marine Resources for Possible Inclusion in the Hawaiian Islands Humpback Whale National Marine Sanctuary* report to Ms. Thielen at the meeting and spoke with her about the desire to move the process forward with the State's support. Ms. McIntosh said Ms. Thielen emphasized and agreed with the SAC's recommendations that the Sanctuary provide adequate funding and staff resources to move the process forward and to later implement the strategies that are identified and developed within the management plan.

Ms. McIntosh provided a brief update on the status of budget requests for additional funds to support the program's fiscal year 08 base. Additional funding was allocated to support Council meetings. Funding for was also provided for the completion of the Kihei Facilities Project and for the International Conference on Marine Mammal Protected Areas (ICMMPA).

A request that remains unfunded is a proposal to update aerial survey's for humpback whales. The last aerial survey study effort was completed by Dr. Joseph Mobley in 2003. Adam Pack asked if the sanctuary partners with Papahānaumokuākea Marine National Monument (monument) for aerial surveys because the two sites could collaborate on humpback whale research. Naomi McIntosh said that Matt Pickett, the Aviation Coordinator for the Office of National Marine Sanctuaries, is working to get dedicated aircraft support to service the needs of the Pacific Region.

Pohai Kirkland asked about current Navy operations in the Hawaiian Islands. Becky Hommon responded the Hawaii Range Complex includes temporary operating areas around the monument. These operations involve airspace matter (down to the surface of the ocean).

Terry O'Halloran asked what other sanctuary programs received funding. Ms. McIntosh replied that overall the site received a diversity of support for what was requested indicating the strong support our programs have from headquarters. Naomi McIntosh said management plan received a portion of what was requested. Currently, options for next steps are being discussed and assessed for what can be undertaken with the funding that was provided.

Our sanctuary received \$25K to plan and hold a SPLASH symposium in Monterey Bay, California in conjunction with the American Cetacean Society's Annual meeting. Some of the SPLASH analysis work was contracted with Cascadia Research Collective. Lou Herman stated that from his understanding about a half a million for genetic analysis was still needed. Naomi McIntosh explained that NOAA Fisheries had planned to provide a large portion of the funding needed for the genetics analysis work with funds from their Large Whale Initiative funds however the funds were later allocated to other program priorities. Currently, genetic analysis for SPLASH is being done by Oregon State University. There are enough interesting results to present at the SPLASH Symposium and these results may begin to generate additional interest to find funding for further analysis. Genetic analysis work that is being done is at a bare minimum and there could be many other studies conducted with the amount of samples that were obtained. Some Council members asked how funding for SPLASH is allocated and how to donate funding for the study. Ms. McIntosh will contact David Mattila to find out how funds could be donated and will provide this information to the Council.

Cheryl Sterling asked about the funding for the ICMMPA. Ms. McIntosh informed her that NOAA Fisheries International contributed 100K towards the conference. This conference will be an international collaboration of researchers and managers from around the world working in marine mammal protected areas. The venue and date for this conference should be secured in next month.

Lastly, Ms. McIntosh thanked Mary Grady for her time with the sanctuary. Ms. Grady said she has appreciated the experience and has enjoyed working with the staff and council.

Sanctuary Co-Manager:

Sanctuary Co-Manager, Dr. Jeffrey Walters, submitted a written report (see attachment 3). Jeff Walters informed the council that Governor Lingle has communicated her support to NOAA to move forward with the process to consider additional resources during the management plan review and that the meeting with Dan Basta and Laura Thielen was very productive.

Mr. Walters notified the council that there have already been 7 confirmed vessel-whale collision reports this season. Mr. Walters provided a table of this information in his report. There have also been numerous close approach incidents with kayakers, swimmers, and surfers. The weather has been very calm this season and a lot of whales have been in close to shore. The Sanctuary will be looking for ways to increase its effort to educate and create awareness amongst people operating non –motorized craft about the approach regulations and collision dangers.

Jim Coon said there have been numerous close encounters his company has reported on Maui and everyone needs to be on full alert—it's only seconds between a close encounter and a hit.

Teri Leicher said a lot of whales have been coming in close to shore on the Big Island. They have also been seen rubbing on boats. Calves have been seen in 40 ft. of water

with dolphins. Ms. Leicher said it is great that the whales are everywhere but they don't seem to be afraid of boats.

Cheryl Sterling recommended using the KHNL partnership to increase ocean-user awareness. Chris Brammer said she just worked on a story with KHNL three weeks ago on this topic and it aired on February 28th.

Adam Pack asked about the status of the kayak sticker that was being designed with the approach regulation information. Jeff Walters said it is still being developed. Mr. Walters said the program plans to increase efforts at the user-level—by providing outreach on the beach, at harbors, and at shops. Mr. Pack said large commercial whale watch groups do a good job at monitoring each other and do not appear to be the groups that need to be targeted. Mr. Pack said particular user groups, such as kayak renters, are the ones who seem to be missing some of the information.

Bill Friedl asked Jeff Walters to work with the Conservation Committee to formulate a statement for the council to make a recommendation to State and Federal authorities to communicate the Council's concerns about the increasing human-whale interactions and the need to provide a stronger enforcement presence. Lou Herman asked what the status of enforcement capability is now. Jeff Walters said the federal government both NOAA OLE and Coast Guard and the state through DLNR have enforcement authorities and responsibilities however there is not a consistent presence on the water around all of the islands.

Jeff Walters said the Council can refer to his report for the remaining updates on aquaculture, monk seals, and the Hawaii Superferry Task Force.

Mr. Walters also welcomed the new members joining the Council and the returning members. He also thanked Mary Grady on behalf of the State for her time with the sanctuary.

Hawai'i County:

Luana Howell, the new Hawai'i County Representative, introduced herself to the council. Ms. Howell has been actively volunteering with Justin Viezbicke, the Sanctuary's West Hawaii Marine Conservation Coordinator. She has dedicated a lot of her efforts to monitoring monk seal 'O42', the monk seal reported on at the last SAC meeting. Monk seal 'O42' has been fed and has become a nuisance animal on the Big Island. Ms. Howell said she is also involved in education and outreach programs that are ongoing with school groups and hotels.

Honolulu County:

Bill Friedl, Council Chair and Honolulu County Representative, did not submit a written report; however, he informed the council that he participated in the Sanctuary's Ocean Count at Turtle Bay, Oahu. He has seen numerous close approaches and instances of kayakers following the whales and stopping over the spot where the whales last went down.

Cheryl Sterling asked if there is any follow-up done with the data collected during Ocean Count. Naomi McIntosh replied yes, and the data is available on the sanctuary's website. The data provides information on the utilization of whales at different shore

sites. This data may reveal how many whales use these sites year after year. It may be difficult to detect small trends but more dramatic trends could be documented. Chris Brammer said Ocean Count results used to be detailed in annual reports. These reports were quite extensive due to the amount of data received. The program last did a 5-year report that included years 2001-2005. The next report will probably be completed in 2010.

Ms. Sterling asked why Ocean Count is not conducted on Maui. Ms. Brammer said the program is currently conducted on Oahu, Kauai, Kahoolawe, and the Big Island. The program is looking to expand to Molokai, Lanai and possibly Maui. The potential to grow is dependent on funding.

Naomi McIntosh said a lot of the program's value also comes from people going to the website. The website has information on land-based locations for whale watching, the average number of whale sightings at each location, and information on each site's facilities (e.g. parking, bathrooms, handicap access).

Chris Brammer said she has worked with people who have lived here their whole life and drive the coasts and have never seen the whales. Participating in Ocean Count and seeing whales from shore can be a life changing experience for them. Approximately 700 people volunteered for Ocean Count in January, 650 people volunteered in February, and volunteers are still being sought for the March count.

Kauai County:

James Yamamoto, the new Kauai County Representative, introduced himself to the council and submitted a written report (see attachment 4). Mr. Yamamoto showed the council dvd footage he created, which documented Jean Souza, the Sanctuary's Kauai Programs Coordinator, at one of the Kauai Student Ocean Count school based-programs to teach students about recording whale sightings.

Maui County:

Cheryl Sterling, Maui County Representative, submitted a written report (see attachment 5). Cheryl Sterling announced that she met with Nancy Daschbach, the Sanctuary's Maui Programs Coordinator, about the National Marine Sanctuary Foundation. Ms. Sterling also notified the council that Sylvia Earle recently gave a presentation at the Maui Arts and Cultural Center. Ms. Earle spoke about the state of the world's oceans and the designation of the monument.

Ms. Sterling informed the council that the Navy will be holding a public meeting on Maui to receive information and provide oral comments on the U.S. Navy's recently released supplement to the Hawaii Range Complex Draft Environmental Impact Statement (EIS). This plan focuses on the revised methodology used to assess potential marine mammal effects related to mid-frequency active sonar exposure.

Ms. Sterling also provided an update on the pump-out situation at Maalaea. Funds to subsidize interim pump-out services at Maalaea are going to run out before the end of the year and agencies are working on obtaining additional funding to maintain the service. Jim Coon said that a lot of progress has been made with compliance in using pump-out trucks. Although it took awhile to get everyone onboard, there are over 20 boats currently using these services. Jeff Walters said DLNR is aware of the issue and

is planning to work on pump-out services for Lahaina harbor. Mr. Walters will follow up with Cheryl Sterling and Jim Coon on the funding situation.

Conservation Committee:

Lou Herman, Conservation Committee Chair, submitted a written report (see attachment 6). The Conservation Committee held a joint telephone conference call with the Research Committee to prioritize committee objectives for 2008 that were previously presented at the SAC Retreat. Mr. Herman reviewed the priorities with the council, asked for comments and suggestions on the priorities, and said he would like to have a vote from the entire council to accept these priorities.

Discussion

Jim Coon said in regards to the pump-out issue, he does not think the State will provide the money in the near future and that efforts are needed to shift to another solution—a quicker, low tech way to do it statewide. Teri Leicher said that many people don't know how to use the pump-out facility on the Big Island.

Bill Friedl said he would like to add these items from the report to the agenda under new business in order for motions to be adopted to support acceptance for the committee's priorities. Naomi McIntosh noted that time was allocated in the agenda under Unfinished Business to continue the discussion on committee and working group priorities.

Education Committee:

Liz Kumabe, Education Committee Chair, submitted a written report (see attachment 7). Ms. Kumabe stated she will stand on her report. She wanted to draw the group's attention to the Education Committee's support for increased outreach on recent vessel-whale collisions through a statement box on the top of the sheet. This recommendation by the Education Committee states that a public effort be made by NOAA Fisheries and/or the sanctuary to increase whale awareness, increase awareness of whale avoidance measures, and increase reporting of whale/vessel interactions.

Ms. Kumabe also informed the council that the Education Committee decided to set regular monthly call times. The Education Committee will hold a monthly call the first Thursday of each month at 2:00 p.m. The Conservation and Research Committees will hold a joint call on the third Wednesday of each month at 2:00 p.m. starting in April since a call was already held this month. Jeff Walters said he would like to commend the committees for setting set times for the calls.

Ms. Kumabe said if anyone on the council has a topic that they would like addressed during an Education Committee call, please let her know.

Research Committee:

Adam Pack, Research Committee Chair, provided a written report (see attachment 8). The Research Committee held a joint call with the Conservation Committee on March 7, 2008, to prioritize committee objectives for the year. Mr. Pack provided a list of the Research Committee's prioritized objectives in his report. His report also included updates on the following items: ship strikes and entanglements, humpback whale mortality, Superferry, conferences and meetings, materials he provided for SAC members, and new papers on humpback whales in Hawaiian waters.

Teri Leicher said for research purposes it would be interesting to know whether violations were a slight bump or a more serious injury to the whale. Jeff Walters responded that very detailed reports are collected and there are ongoing investigations by NOAA Office of Law Enforcement (OLE) under the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA). Lou Herman asked if all of these were self reported incidents. Jeff Walters replied yes, and we want to encourage that without them having to worry about having their boat names, etc., be in paper the next day. Teri Leicher said she knows of video footage that has documented whales rubbing on boats. Jeff Walters replied that he has set up criteria for reviewing and classifying these types of incidents and any information should be sent to him.

Aquaculture Working Group:

Mike Stanton, Aquaculture Working Group Chair, provided a written report (see attachment 9). The report provides suggested priorities that Mr. Stanton said have a degree of urgency. He also said it is the entire SAC's responsibility to provide any information obtained on aquaculture to himself, Naomi McIntosh, and Jeff Walters so it can be kept in one central location. Information on aquaculture is becoming more important in Hawaii.

Mr. Stanton said that Neil Sims' contested case hearing has now been given a hearing officer so it will be moving forward (although the timeframe is unknown). Mr. Sims said he is at a standstill with the expansion he is proposing. The expansion was contested at a public briefing.

Dale Sarver said that Maui Fresh Fish held an agency scoping meeting in January. The cage site has been specified and is in the process of being applied for. Mr. Sarver said the company would like to provide an overview of site for the council at the next council meeting.

The hatchery site is still being worked on and will be a research station for awhile. The company will attempt to raise Opakapaka but since very little is known about raising this species, the company has requested the permit will include other species and therefore submitted a multi-species proposal. The proposed site has 10 cages (Aquapods – geodesic domes) that are approximately 7000 cubic meters in volume.

Blue Seas, Green Communities Working Group

Teri Leicher, Blue Seas, Green Communities Working Group Chair, did not submit a written report, however, she provided the council with an update on the Working Group's efforts. Ms. Leicher informed the council that she requested a list from sanctuary offices to see what greening efforts are occurring at each office to determine what they are currently doing and how to expand these efforts to other islands. Ms. Leicher said she has started a list of ideas and e-mailed it to the Working Group. Ms. Leicher requested if anyone has ideas to e-mail her and she will work with sanctuary staff to decide on a project. Ms. Leicher provided a list of the Working Group's members for council members to sign up.

Naomi McIntosh said when Bill Friedl goes to the SAC Chairs' meeting he can present the list because there will be a session on council ideas and efforts for this initiative.

Unfinished Business

Management Plan Update—Naomi McIntosh, Superintendent, HIHWNMS

Naomi McIntosh provided an update on the status of the Management Plan Review. Governor Linda Lingle communicated her support for the Management Plan Review in a response letter sent to Dan Basta on February 28, 2008. In the letter, Governor Lingle expressed her support for the process to review and potentially revise the Sanctuary's Management Plan to further address threats to humpback whales and to consider the inclusion of other resources (living marine resources and maritime heritage resources). Ms. McIntosh is working with NOAA Headquarters to determine the timeline for the review based on the funding allocated. The original plan was to have the Council participate in a visioning session for the process at their June meeting. Followed by public scoping meetings.

Committee reports – Actions from Committees and Priorities

Bill Friedl said he would like the council to procedurally endorse the priority lists submitted by the Conservation, Education, and Research Committees and Aquaculture Working Group.

Conservation Committee

Conservation Committee

Lou Herman asked if there were any comments or suggestions for the prioritization of the Conservation Committee's 2008 Objectives. Bill Friedl said the council can discuss how to implement the objectives later.

Pohai Kirkland asked if there are any community projects the Conservation Committee is involved with and how the sanctuary engages the community. Lou Herman said there is a role for communities in multiple committee objectives. Ms. McIntosh said the sanctuary looks to partner on efforts with the community, an example of which is the program at Ahihi Kinau Nature Preserve on Maui. Teri Leicher said sanctuary staff are creating a spreadsheet of current efforts at offices that reflect the greening initiative. Liz Kumabe said the education assessment may be a useful tool for the other committees to refer to sanctuary programs and community involvement. Jill Komoto said Makai Watch is also a great example of state agency and community partnerships, where DLNR is partnering with non-governmental organizations.

Dale Sarver said it would be beneficial to specify "other marine species" when addressing the item on aquaculture.

Jim Coon motioned to accept the Conservation Committee's prioritized list of objectives. Bob Bruck seconded the motion and it passed unanimously.

Education Committee

Liz Kumabe acknowledged Jean Souza, Kauai Programs Coordinator for writing the Education Committee report and thanked Jean for her efforts. Jim Coon motioned to accept the priority objectives in the Education Committee Report. Teri Leicher seconded the motion and it passed unanimously.

The SAC Education Committee recommended that a public effort be made by NOAA Fisheries and/or the sanctuary to increase awareness of whales, whale avoidance measures, and increase reporting of whale/vessel interactions. Liz Kumabe motioned

for the council to endorse this statement and Teri Leicher seconded the motion. The motion passed unanimously.

Research Committee

Lou Herman motioned to accept the Research Committee's prioritized list of objectives. Jim Coon seconded the motion and it passed unanimously.

Aquaculture Working Group

Mike Stanton said the Aquaculture Working Group (AWG) priorities vary from the other committees' priorities because the AWG is dealing with an industry. Mr. Stanton emphasized that every member of the council should be aware that their input can be vital if they bring it to the AWG and council.

Lou Herman motioned to accept the Aquaculture Working Group's prioritized list of objectives and Jim Coon seconded. The motion passed unanimously.

Mary Grady distributed the lists of committee and working group members and asked members to add their names to the lists if they are interested in joining a particular group. Ms. Grady said she will e-mail the updated lists to the council.

New Business

State Aquaculture Development Program

Mike Stanton made the following motion: The Aquaculture Working Group would like the sanctuary to sanction the Chair to write a letter to the State to request the immediate hiring of an Aquaculture Development Program Director. Becky Hommon seconded the motion and it passed unanimously.

Meeting Schedule

The council discussed the meeting schedule for 2008. The next meeting dates are June 12th and September 11th.

Preparation and Planning For Next Meeting

Naomi McIntosh said that Paul Michel from Monterey Bay National Marine Sanctuary is planning to present on the California Joint Management Plan Review process for the council at the June 12th meeting. Lou Herman reviewed the list of speakers outlined in the Research Committee report and said he would like to ensure council input. Mr. Friedl stated that due to time remaining, the Executive Committee will review the list on their next call and decide on the best timing for the councils' requested presentations.

Presentations

Michelle Yuen—Marine Mammal Biologist, NOAA Fisheries

Michelle Yuen provided the council with an overview of the Protected Resources Division and detailed programs for the Marine Mammal Response Network, addressing humpback whale entanglement and shipstrikes, and fishery interaction regulations. NOAA Fisheries has been involved in spinner dolphin Marine Mammal Protection Act (MMPA) Rulemaking. NOAA Fisheries wants the public to view and enjoy Hawaiian spinner dolphins and supports responsible wildlife viewing; however, dolphin tourism is increasing in the Main Hawaiian Islands and the agency is concerned that "swim-with" programs do not follow the recommended guidelines, resulting in harassment of spinner dolphins. NOAA Fisheries concern is that repeated disturbances and diminishing

availability of adequate resting habitat may lower dolphin population levels and harm individual animals (through reductions in foraging efficiency, predator avoidance, and reproductive fitness).

NOAA Fisheries is considering several alternatives to protect Hawaiian spinner dolphin resting habitat, including a distance limit for approaching spinner dolphins, regulation of certain human activities within spinner dolphin resting areas, and time/area closures that may include entire bays during peak resting hours or specified zones within resting habitats.

NOAA Fisheries has been undergoing an Environmental Impact Statement (EIS) and Proposed Rule. The next steps in the Draft EIS and Proposed Rule include publishing a Notice of Availability of the Draft EIS (DEIS) and Proposed Rule simultaneously in the Federal Register, conducting public hearings on all Main Hawaiian Islands (MHI), and gathering public testimony and comments on the DEIS and Proposed Rule. The Final EIS (FEIS) and Final Rule will include the following: publishing Notice of Availability of FEIS in Federal Register; and publishing the Record of Decision and Final Rule simultaneously in Federal Register. The Final Rule will be effective 60 days thereafter.

Ms. Yuen said one of the options PIRO is looking into is the Dolphin SMART Program. This is a voluntary program for dolphin tour operators in the Florida Keys National Marine Sanctuary. Operators advertise “eco-friendly”, compliant with MMPA and NOAA’s recommendations, and get a Dolphin SMART flag and an annually-renewed decal certifying their compliance. There is a partnership with non-governmental organizations and the National Ocean Service/National Marine Sanctuary Program to implement the program to coincide with publication of new regulations.

NOAA Fisheries and the HIHWNMS currently cooperate on humpback whale efforts through programs on strandings and response, entanglements, and ship strikes. If more cetacean species are added to the sanctuary’s responsibility, the agencies will cooperate on same activities as above, but with more species (e.g., spinner dolphins, false killer whales, etc.).

More information can be obtained on the PIRO Website Link:
www.fpir.noaa.gov/PRD/prd_spinner.html and NAIANEWS Listserve.

David Johnston—Cetacean Biologist, NOAA Pacific Islands Fisheries Science Center

David Johnston provided a Pacific Islands Fisheries Science Center (PIFSC) update on their cetacean research program. David provided information on research cruises that are conducted on NOAA research vessels and small boats. PIFSC has been conducting spinner dolphin photo-id at Pearl and Hermes Reef and off the Waianae Coast. The Pacific Islands Photo-Identification Network (PIPIN) was formed to integrate research efforts throughout the region, which is funded by the Marine Mammal Commission. There is a collaborative photo-id catalogue. There will be a joint cruise this summer with NOAA and Cascadia Research to tag beaked whales and pilot whales coincident with the Navy’s Rim of the Pacific Exercise (RIMPAC).

PIFSC is also involved in passive acoustic studies in various locations throughout the Pacific. Habitat studies are also being conducted for humpbacks, right whales and

spinner dolphins. The availability and quality of habitat may strongly influence cetacean distribution and abundance. Humpback habitat in the Northwestern Hawaiian Islands (NWHI) was modeled in 2007 by conducting a ship-based visual/acoustic survey across the chain and using a predictive model of suitable habitat from satellite-derived sea surface temperatures and bathymetry. Researchers compared visual and acoustic detections with habitat predictions. The model predicts twice as much humpback whale wintering habitat in the NWHI as in the MHI. Another study is attempting to locate the calving grounds of North Pacific Right Whales. This is a small population with less than 30 animals sighted. They calve in warmer, shallow waters but there is currently no knowledge of calving locations for this population.

Spinner dolphin habitat is also being assessed for the availability and locations of resting habitat in the MHI. Spinner dolphin habitat in the NWHI is also being assessed with comparisons between atolls and links to population abundance and carrying capacity. Spinner dolphins are nocturnal feeders and rest in nearshore habitat during the day. PIFSC is analyzing data from resting habitat because the availability of resting habitat may constrain population size of spinner dolphins. A spatial habitat model based on physical data from known resting habitats is being developed. This can be used in the future to integrate habitat data with data on distribution and behavior of animals to develop an informed habitat model at various scales—archipelago, island, atoll, coast and bay. This data is useful for supporting potential legal and management options such as proposed closed or restricted access areas. David acknowledged all of the contributing collaborators for these studies.

Paul Wong—Operations Coordinator, HIHWNMS

Paul Wong provided a presentation on current Office of National Marine Sanctuary Facilities in Hawaii. He provided detailed program requirements for administration, education, outreach, research, operations, enforcement, parking, storage, waterfront, technology and signage. He then detailed locations and staff information of current sanctuary offices on Oahu, Maui, Kauai, Hawaii. Mr. Wong also provided a chart of the Office of National Marine Sanctuary vessels in Hawaii. The Office of National Marine Sanctuaries will be continue its planning efforts in order to ensure current needs are addressed and evaluate future opportunities for programs.

Public Forum

There were no public comments at this time.

Announcements

Mary Grady asked for any edits to the draft council directory. Ms. Grady will distribute the revised directory to the council.

Adjournment

Mr. Friedl adjourned the meeting at 3:30 p.m.

Sanctuary Advisory Council 2008 Action Item Report

ACTION: Actions from last meeting were mainly recommendations from the council requesting presentations on cetaceans, Hawaii Superferry, SPLASH, 2007-2008 whale season, sonar, radar techniques, and the Papahānaumokuākea Draft Management Plan. (3/13/08)—ONGOING

ACTION: The council asked for sanctuary staff to draft talking points for management plan review and aquaculture. (4/18/07)

Status: Sanctuary staff drafted talking points, which are being reviewed by Sarah Marquis, Media Coordinator.—PENDING

ACTION: The Aquaculture Working Group and Research Committee will further evaluate research priorities on aquaculture. (1/17/07)—ONGOING

ACTION: The Executive Committee will evaluate the composition of the council. (1/17/07)

Status: The Executive Committee held a meeting on 7/19/07 and decided that the composition of the council will be evaluated during the management plan review process.—ONGOING

ACTION: Terry encouraged the Aquaculture Working Group and other Committees to evaluate the proposed expansion of Kona Blue and provide recommendations to management. (1/17/07)

Status: Mike Stanton held a follow up call with Neil Sims on 7/23/07 and Neil reported their expansion plan has been downsized. Instead of 12 new net pens they have decided to add only 4 new net pens to their existing approved site location. They are proposing to add the 4 new ones to the east (inshore) of their existing pens, for which they are awaiting the engineer's production of precise drawings with distances and measurements. Neil surmises that the eastward expansion will go about 200 ft further inshore. He has provided a synopsis of the EA for the SAC and is very appreciative of our interest in his expansion and our continuing contact directly with him. For the March 13, 2008 SAC meeting the Aquaculture Working Group provided a written report that gave updates on the Kona Blue proposal (see Aquaculture Working Group Report). —ONGOING

Attachment 2

Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council Manager's Report January 14 to March 10, 2008

SAC Highlights

The Sanctuary Advisory Council's Research, Conservation and Education Committees held conference call meetings to prioritize committee objectives for 2008.

Education and Outreach Highlights

Increasing Ocean Awareness

Maui Sanctuary staff provided a 2-hour presentation to a group of 17 students from Hiram College who are traveling around the world studying biomes and the effects of climate change. Presentations reviewed potential effects of climate change on humpbacks, but focused on humpback whales, their biology and the issues that threaten them, such as ship strikes and entanglement. Students also took in the education center while visiting the Sanctuary's Kihei office.

Two sanctuary displays featuring the endangered humpback whale, the sanctuary program and the Sanctuary Ocean Count, and other protected marine mammals and sea turtles in Hawaii will conclude a month-long run at Kauai's Princeville Public Library, one of the busiest libraries on the island. The Friends of the Library group invites the Hawaiian Islands Humpback Whale Sanctuary to post displays in the heavily traveled lobby twice a year.

Sanctuary was represented in Hilo in January at UH Hilo's "Onizuka Day". The event featured a wide variety of booths sponsored by the different science departments on campus. Over a thousand middle school students, parents and teachers passed thru the interactive exhibits and workshops. The Sanctuary's competition, "Are you Smarter than a 5th Grade Whale" was a great success.

Governor Linda Lingle Proclaims Humpback Whale Awareness Month in Hawaii

Governor Linda Lingle signed a proclamation declaring February 2008 as Humpback Whale Awareness Month in Hawaii. The proclamation refers to NOAA's HIHWNMS as the state's partner in humpback whale conservation and highlights the sanctuary's education and outreach activities. The proclamation was drafted by sanctuary staff and NOAA and state sanctuary offices coordinated with the Governor's office to finalize the document. A state (DLNR) media advisory was released on the topic and additional radio public service announcements and calendar of events advisories were also distributed. Both television and print stories were featured on the proclamation.

The Sanctuary celebrated February as Humpback Whale Awareness Month by offering a variety of activities for the community to find out how they can help protect Hawaii's humpback whales. Lectures provide information on current marine conservation issues, lunchtime whale watches from shore locations promote responsible wildlife viewing, and special events such as hikes and whale counts provided a unique opportunity for the public to get involved. In addition, media coverage by television, radio and print help spread the sanctuary's messages around the state.

The sanctuary sponsored an Ocean Art, Essay and Poetry contest as part of Humpback Whale Awareness Month. Over 125 entries were received and put on display at that Hanauma Bay Education Center on Oahu. Contest winners were recognized during the public lecture on Thursday, February 28, 2008. Winning entries will also be posted on the sanctuary's website and will be used for education and outreach purposes.

Dr. Kristi West of Hawaii Pacific University gave a special lecture presentation on pygmy sperm whales based on data collected from six animals which have stranded in Hawaii over the past few years. Dr. West's lecture was the first of a series of four lectures that was held at Hanauma Bay during Humpback Whale Awareness Month. The lecture was well attended with over sixty audience members.

The sanctuary sponsored a special evening movie in partnership with the Hanauma Bay Education Program. The National Geographic movie entitled "Whales in Crisis" discussed the threat of sonar to whales. Over 75 people attended the presentation. Dr. Michelle Yuen of NOAA Fisheries, Office of Protected Species, was in attendance and was available to answer questions following the program.

The Sanctuary hosted lunchtime whale watch events were held each week in February as part of Humpback Whale Awareness Month. Tourists and residents gathered together to enjoy lunch at Halona Blowhole and Diamond Head lookout with the same goal in mind – watching whales! Sanctuary staff made information and binoculars available to those in attendance and spent an hour teaching participants how to spot whales from the scenic lookout.

Whale season continued to keep sanctuary staff and volunteers busy and education and outreach staff continued to work hard to promote February as Humpback Whale Awareness Month. A variety of lectures and lunchtime whale watches at scenic lookouts at the end for February, including a lecture by Carey Morishige of NOAA's Marine Debris Program. Materials continue to be displayed at Starbucks locations on Oahu and at public libraries throughout the state. This project aims to increase public awareness of the sanctuary while educating the public about the threats to humpback whales.

During the final week of activities that were held as part of Humpback Whale Awareness Month, lectures and lunchtime whale watches at scenic lookouts were held, including a lecture on humpback whale acoustics by Dr. Whitlow Au of the Marine Mammal Research Program. In addition, a special awards ceremony for the Humpback Whale Awareness Month Ocean Contest was held at the Hanauma Bay Nature Preserve. This special statewide project aimed to increase public awareness of the sanctuary while educating the public about the threats to humpback whales.

Whale Day Celebration

The Sanctuary participated in Pacific Whale Foundations annual Whale Day celebration at Kalama Park on Saturday, February 16th. The Sanctuary hosted an educational outreach booth and talked to hundreds of visitors and locals.

Whale Quest

The Sanctuary hosted educational outreach booth at the Annual Whale Trust Whale Quest in Kapalua Friday, Feb. 15th - Sunday, Feb 17th. Participants had the opportunity to discover the fascinating world of whales and experience up close and personal presentations, interactive educational displays, as well as art and photo exhibitions by leading whale experts, award-winning artists, authors and representatives from National Geographic Magazine. The events included kids activities on disentanglement with Ed Lyman and lectures on current whale research.

Sanctuary staff worked with the local NBC affiliate KHNL to produce three segments for the Earth and Sea Project, a year-long television series on the ocean and environment that is being done in collaboration with NOAA and the National Marine Sanctuaries. The three segments that were filmed included a segment on responsible wildlife viewing, humpback whale entanglement and rescue, and humpback whale research. In addition, a live segment was filmed to accompany the segment on Responsible Wildlife Viewing.

The sanctuary took part in a special Maritime Industry Day for small passenger vessels that was held by the United States Coast Guard. The sanctuary hosted an informational table and display which focused on vessel collisions at the day-long event that was held on February 27 at the Japanese Cultural Center in Honolulu. Participants in the Maritime Industry Day were from around the state. This was an excellent venue to connect with local small passenger vessel operators.

In March, 14 Maui Sierra Club members were regaled with tales of humpback whales at the Education Center on Maui

Enhancing Student Learning Opportunities about Hawai'i's Oceans

Maui Sanctuary staff worked with the Kihei Charter School high school group on a reef monitoring project. Students are snorkeling and collecting fish count data. The high school along with the sanctuary was featured in a newspaper article about "Classrooms without Walls". The school works with the sanctuary on a weekly basis.

From February 25th to 28th, HIHWNMS staff Alastair Hebard, Programs Assistant, and David Nichols, Marine Conservation Specialist met the NOAA ship Hi'ialakai in American Samoa and provided a week of education programming aboard the Hi'ialakai. This is the second year that the Hi'ialakai has been used in American Samoa for the Education Cruise. Since 2004, HIHWNMS in coordination with ship's crew have invited students and teachers aboard the ship to do hands on activities to learn about how scientists utilize the ship to study the marine environment.

In February, Maui sanctuary staff partnered with the Fishpond Association to educate 50 4th graders from Kamehameha School on the ecology and cultural history of Ko'ie'ie fishpond. Kamehameha Schools returned for a second visit the following day with 20 Kindergarten students to learn about whales and turtles. The week ended with a visit by a local conglomerate of home-schoolers that came to learn about our humpback whales and sea turtles.

The sanctuary led a hike and school-based Sanctuary Ocean Count at the Makapuu Point Lighthouse on Oahu for forty students from Kalakauau Middle School. Students learned about the sanctuary, humpbacks whales and the ocean environment and they spent the morning collecting information on the behavior of the humpback whales that they spotted from shore.

Maui staff continued to host school groups on a daily basis during the month of February. In February, groups took advantage of the low tides and students participated in fish monitoring projects. The education team also took the outreach van upcountry to schools for classroom presentations.

Patty Miller, Maui Programs Coordinator participated in an "Ocean Exploration" teacher workshop at the Waikiki Aquarium. The sanctuary hosted an informational booth with lots of teacher materials and project ideas. There were about 100 middle and high school teachers from across the state.

215 kindergartners and first graders from Haiku Elementary School learned about whales, turtles and the sanctuary at the Maui Education Center in March.

Sanctuary Volunteers

Maui Volunteers held their monthly meeting to update schedules, discuss issues and new programs. Ed Lyman gave a talk on humpback whale entanglement and rescue efforts.

Sanctuary volunteers took part in a special hike to Palea Point at Hanauma Bay. The hike was organized as a volunteer appreciation event for volunteers that participate as site leaders in the Sanctuary Ocean Count project on Oahu. The hike was lead by City and County of Honolulu Parks Department Staff as well as staff from the University of Hawaii Sea Grant's Hanauma Bay Education Program. Over 25 people took part in this special activity that allows participants to view a portion of Hanauma Bay that is not normally open to the public. Volunteers learned about the geology of the area and then spent the morning exploring the unique marine environment while watching whales from shore.

The Maui site hosted its monthly volunteer meeting on Wed, Feb 20th at 6pm. Rangers from Ahihi Kinau Natural Area Reserve gave a presentation on the development of the management plan and upcoming closures. Volunteers were given the opportunity to voice concerns and give suggestions about the Action Ahihi volunteer program which the Sanctuary is a partner.

A volunteer workday was held for Oahu sanctuary volunteers. Sanctuary volunteers that take part in the workday spend the day sharing whale stories and experiences while helping sanctuary staff prepare student art activities that will be used during Earth Day activities in April.

Promoting Ocean Stewardship

Volunteers Count Whales in NOAA's Hawaiian Islands Humpback Whale NMS

More than **600** volunteers gathered data from the shores of Oahu, Kauai, the Big Island, and Kahoolawe for January's annual Hawaiian Islands Humpback Whale National Marine Sanctuary Ocean Count. Participants tallied humpback whale sightings and documented the animals' surface behavior during the survey. **Volunteers collected data from 56 sites statewide. Every 15 minutes, an average of 2 whales were counted per site statewide.** The following are the average numbers of whales sighted per 15-minute count period on each of the islands:

O'ahu – 1 whale

Kaua'i – 3 whales

Big Island – 3 whales

The Ocean Count project provides a unique opportunity for the public to learn about Hawaii's humpbacks while participating in a monitoring effort. Although counters were tasked with counting humpback whales, many other species including spinner dolphins, green sea turtles, Hawaiian monk seals, and a variety of seabirds were spotted. In fact, on Oahu, 4 Hawaiian monk seals were seen. Previous Ocean Count results are available on the sanctuary's Web site, <http://hawaiihumpbackwhale.noaa.gov/>. In preparation for the annual Sanctuary Ocean Count, two of four scheduled training sessions for Kauai volunteers were conducted in January. Ninety-five volunteers, primarily new volunteers, participated in the 2.5-hour training sessions conducted by Kauai Programs Coordinator Jean Souza. The sessions include a tutorial on the ocean count methodology and a lecture on humpback whales in Hawaii. Approximately 60% of the volunteers were fulltime or part-time residents. 120 volunteers participated in the January 26 ocean count on Kauai. Nearly 300 members of the public who visited ocean count teams obtained whale and sanctuary information from assigned volunteer naturalists and site leaders.

For February's Ocean Count event more than 700 volunteers gathered data from the shores of Oahu, Kaua'i, the Big Island, and Kaho'olawe for the years' second annual Hawaiian Islands Humpback Whale National Marine Sanctuary Ocean Count. Participants tallied humpback whale sightings and documented the animals' surface behavior during the survey, which will take place once more on March 29, 2008. Volunteers collected data from 57 sites statewide. The following are the average numbers of whales sighted per 15-minute count period on each of the islands: O'ahu – 3 whales, Kaua'i – 6 whales, Big Island – 3 whales, and Kaho'olawe – 21 whales. The local NBC News station visited one of the sites and interviewed staff and volunteers for a news segment that aired that evening.

The "Kahekili" project, Aquatic Resources held a training at the Maui sanctuary site for sanctuary volunteers who would like to assist with snorkel surveys. The project surveys herbivorous fishes and urchins that eat algae (seaweed) that grow on the reef. Studies throughout Hawai'i have shown that reefs with abundant herbivorous fishes have less problems with invasive seaweed growth. Volunteers will gather data on what herbivorous fishes are eating and at what rate. The protocols are simple and fish subjects are limited to three families: parrotfishes, surgeonfishes, and chubs. The Hawai'i DLNR, Division of Aquatic Resources (DAR) is the managing agency developing the rules that will create the herbivore enhancement area (HEA) designation. The Kahekili HEA study is funded by the Hawai'i Coral Reef Initiative, and the research is led by Dr. Celia Smith's lab at the University of Hawai'i at Mānoa, Botany Department.

Science and Rescue

Sharing humpback whale research and response expertise

Science and Rescue Coordinator, David Mattila conducted humpback whale biology and entanglement seminars, followed by disentanglement training for government representatives and graduate students

from several University marine mammal programs in the Baja, Mexico region. The seminars and trainings were hosted by Dr. Jorge Urban of the Autonomous University of Southern Baja California in La Paz. The event was supported by NOAA Fisheries International, as well as the University and several Mexican NGOs. The timeliness of the event was highlighted by a report of an entangled humpback whale off Cabo San Lucas that came in late in the afternoon of the training day.

HIHWNMS research and response coordinators David Mattila and Ed Lyman assisted University of Hawaii PhD. student Alison Stimpert in her study of humpback whale mating behavior and vocalizations using suction cup attached "D-tags" on loan from the Woods Hole Oceanographic Institute. Efforts were very successful with many long deployments. David and Ed were able to test the new 11m small boat on loan from the Papahānaumokuākea Monument. While the vessel is larger and less maneuverable than one might normally use for such close work with whales (the tags are deployed from a hand held pole), the topside steering station proved extremely useful and productive. HIHWNMS is assisting with this study not only for the valuable insights into humpback whale reproductive behavior, but also in hopes that it may ultimately be used to better understand humpback whale reaction to human activities in the Sanctuary. Indeed, this week several passing vessels were logged and Alison should be able to begin to determine the level of sound received by the whale, and any subsequent reactions.

Maintaining Response Network Capacity

A majority of the Kihei Sanctuary staff were able to attend a stranding training lead by David Schofield and Nicole Davis of NOAA Fisheries Pacific Islands Regional Office. The training was held at the Sanctuary's Kihei site and was well attended. Sanctuary personnel also assisted the network with a stranding of a Rissos dolphin. In addition, the Maui Sanctuary office is providing office space to Nicole Davis and storage space for marine mammal stranding gear.

Sanctuary response efforts

During January, the Sanctuary's rescue team responded to a call of a distressed humpback whale. Efforts were made to locate the animal to document any information that could be obtained, however the team was unable to re-locate the animal.

Rescue Specialist Ed Lyman and Research Coordinator David Mattila also responded to a report of a ship striking a humpback whale. Efforts were made to re-locate the animal but were not successful.

In February, a humpback whale calf stranded on Maui and subsequently died. Sanctuary staff assisted National Marine Fisheries Service stranding coordinator in moving the animal for necropsy. Sanctuary Staff also provided vessel support to transport a Hawaiian cultural practitioner to conduct a blessing and return of the animal to the sea.

Two reports of ships striking humpback whales were received during the first week of March, one off the Big Island of Hawaii, the other incident was reported off of Maui. Both strikes are under investigation by NOAA's Office of Law Enforcement. Sanctuary staff and marine mammal network members were able to provide on the water responses to the reports in an attempt to document and assess the severity of the strikes.

Management Plan Review Updates

On January 23 and 24, Steve Gittings, National Research Coordinator and sanctuary staff hosted a meeting to develop the Condition Report for the Hawaiian Islands Humpback Whale NMS. Science experts from Hawai'i were in attendance to discuss water quality, habitat status, and other factors and impacts as related to humpback whales. The Condition Report will be used in the ongoing Management Plan Review process to evaluate current measures to protect humpback whales and the possibility of adding additional marine resources to the sanctuary.

Dan Basta, Naomi McIntosh, and Jeff Walters met with State Department of Land and Natural Resources Chairperson Laura Thielen to discuss the Sanctuary's management plan review.

Sanctuary Active on Hawaiian Monk Seal Recovery Team

The National Marine Sanctuary was well represented at the annual meeting of NOAA's Hawaiian Monk Seal Recovery Team in Honolulu, on February 5-7. NMFS researchers presented new data indicating a crisis situation for monk seals in the Northwestern Hawaiian Islands, with fewer than 20% of seal pups surviving to reproductive age. The state HIHWNMS co-manager, Jeff Walters, and Papahānaumokuākea Marine National Monument superintendent (PMNM), Aulani Wilhelm, attended as recovery team members, and both gave presentations on extensive Sanctuary efforts to support monk seal recovery. HIHWNMS superintendent, Naomi McIntosh, also participated in the recovery team meeting.

HIHWNMS is extensively involved in monk seal rescue response in the Main Hawaiian Islands, with its state partner, the Hawaii Department of Land and Natural Resources, serving as program lead. Numerous sections of the new PMNM draft management plan address monk seal conservation in the NWHI.

Enhancing Sanctuary Management

The Maui Office Kihei Campus entered the next phase of construction. Contractors have completed work on floor preparation for the tile flooring, and will begin laying carpet and tile this week for the multipurpose building. The contractor for the parking lot and landscaping also began planning the work that will commence in February. Phase II work caused the juggling of parking lot closures, multiple contractor work, and phone system replacement.

The Sanctuary's Maui office performed vessel safety training. Several staff members were provided an overview of the Sanctuary's research vessel, Seacat. The overview included safety gear, vessel operations, emergency operations, and several drills while underway. In addition, the team responded to a call of a distressed humpback whale. While they did not re-locate the animal, it has since been determined to be okay. The animal - a female humpback with calf, had suffered injuries to the area behind its dorsal fin.

Three visitors from South Africa took part on a tour of the Hawaii Institute for Marine Biology by Paul Wong, Sanctuary Operations Coordinator. The visitors were attending the "Major Economies Meeting on Energy Security and Climate Change" and represented the South African government in energy, tourism and environment, and foreign affairs. In addition to learning about the sanctuary program and some of the work being done in the Northwestern Hawaiian Islands, the visitors were able to see first hand some of the coral reef habitat at Coconut Island.

The Sanctuary assisted the NMSP in hosting a visit to the Pacific Region for Dan Basta, Director, ONMS, Jim Connaughton, Chairman, CEQ and Andy Karsner, Assistant Secretary for Energy Efficiency and Renewable Energy, DOE.

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GOVERNOR OF HAWAII



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March 12, 2008

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ENFORCEMENT
FISH AND WILDLIFE
HISTORIC PRESERVATION
KAIKOLA ISLAND RESERVE COMMISSION
LAND
STATE PARKS

MEMORANDUM

To: Sanctuary Advisory Council, Hawaiian Islands Humpback Whale National Marine Sanctuary (HIHWNMS)

From: Jeff Walters, Sanctuary Co-Manager, Hawaii Department of Land and Natural Resources (DLNR), Division of Aquatic Resources (DAR)

Subject: HIHWNMS state office update for the period of January 8, 2008 through March 12, 2008 (Prepared for the March 13, 2008, Council meeting).

Sanctuary Management Plan Review Process

On February 28, 2008, Governor Linda Lingle sent a letter to Dan Basta, Director of NOAA's Office of National Marine Sanctuaries, indicating state support to proceed with the sanctuary's management plan review process. Dan and Sanctuary Superintendent, Naomi McIntosh, met with DLNR Chairperson, Laura Thielen, and me on January 31 to discuss and finalize DLNR and NOAA's shared understanding of the scope and overall approach of the process. In the letter, the Governor expresses her support to begin scoping activities to consider adding sea turtles, Hawaiian monk seals, spinner dolphins, and other marine mammals to the sanctuary in the Main Hawaiian Islands. She also states her desire that the process consider adding marine habitat conservation responsibilities, such as deep coral reef conservation, to the sanctuary's mandate, to the extent that such habitat conservation supports the ecological needs of the species under consideration. She also reiterated Chairperson Thielen's commitment to devote state staff and resources as a true co-management partner to support the full implementation the sanctuary's management plan review process. Now that this underlying federal-state agreement has been finalized, a letter from the Governor to the Council should be forthcoming regarding recommendations the Council sent to the Governor in late 2007.

Vessel-Whale Incident Reports

As of March 12, 2008, we have received seven reports of vessels coming into contact with humpbacks during this 2007-2008 humpback season. The table below summarizes these reports. Keep in mind that these are "confirmed reports" and do not necessarily reflect the total number of incidents that have actually occurred. At least two of the incidents involved fairly forceful contact and are best described as "collisions," while a few others involved less forceful

contact and are probably better described as “bumps.” Sanctuary staff and/or partners were able to get out on the water in response to three of these incidents, yet we were not able to locate any of the whales thought to be involved in the incidents.

Vessel-Whale Incident Reports Received as of March 12, 2008

#	Date	Location	Whale Injury
7	3/5/08	Off Olowalu, Maui	?
6	3/4/08	Off Hapuna Beach, Big Island	yes
5	2/28/08	SE of Maalaea Harbor, Maui	yes
4	2/27/08	South of Pearl Harbor, Oahu	?
3	2/5/08	Off Pu'unoa Pt. (north of Lahaina), Maui	?
2	1/27/08	Off Waikiki, Oahu	?
1	1/10/08	Off Hilton resort, Waikoloa, Big Island	?

All seven of these incidents were “self reported” by the operator and/or captain of the involved vessel. While we remain concerned about these incidents occurring, we are happy that boaters decided to report these incidents on their own volition. The sanctuary takes special care to not release to the public any information that might lead to the identification of the specific vessels involved. All of these incidents are under investigation by the NOAA Office of Law Enforcement (OLE) and NOAA National Marine Fisheries Service (NMFS).

Ocean Etiquette Campaign – Promoting safe, lawful, and respectful boating during whale season.

News Media Coverage

A news media availability event was held on February 1 at Magic Island. NMFS Pacific Islands Regional Office (PIRO), public affairs coordinator, Wende Goo, organized the event. Both major Honolulu daily newspapers and all four TV stations sent crews to cover the event. PIRO’s David Schofield and myself were on hand to provide collision avoidance and entanglement response information. Several TV news and newspaper stories resulted from this effort (samples attached).

Close Approach Incident Responses – Hawaii Island

Hawaii Island coordinator, Justin Viezbicke, worked in close coordination with NOAA OLE, NMFS PIRO, DOCARE and DOT Harbors staff in response to several incidents where ocean users appeared to be violating the 100-yard humpback whale approach rule. Investigations are underway by OLE regarding several of these incidents. The incidents included:

1. Vessel reported to be repeatedly putting swimmers in the water next to whales;
2. Kayaks reported to be very close to whale calf and mom in Kealahou Bay;
3. Kayaks and canoes reported to be very close to whale calf near Kawaihae Harbor;
4. Calf temporarily “blocking” entrance to Kawaihae Harbor entrance.
5. Numerous reports of kayakers, small vessels and swimmers very close to mother-calf pairs along Kona and Kohala coasts.

Sanctuary staff are planning to discuss strategies to address these Big Island incidents and similar incidents reported on other islands. We realize that we need to emphasize outreach to

users of small, non-motorized craft (e.g., kayaks, canoes) in addition to our work in the motorized boating community regarding vessel-whale collision avoidance.

Governor Proclaims February 2008 as Humpback Whale Awareness Month in Hawaii

Governor Linda Lingle and Lt. Governor James Aiona issued an official proclamation designating February 2008 as Humpback Whale Awareness Month in Hawaii. Oahu program coordinator, Christine Brammer, spearheaded this effort in conjunction with the DLNR public information office and the Governor's communications office. The proclamation highlighted the humpback whale awareness month education and stewardship activities coordinated by the sanctuary across the state. "I invite the public to enjoy the sanctuary's Humpback Whale Awareness Month activities and celebrate the homecoming of our amazing humpbacks," said Governor Lingle, in the press release that accompanied the proclamation.

Other Education and Outreach

Big Island coordinator, Justin Viezbicke, conducted the following E&O efforts regarding humpback whales:

- Volunteers continued their weekly 2-hour "Veranda Whale-Watch" activity at Outrigger Keauhou Beach Resort. This activity is a great way to get visitors up to speed on the sanctuary and whale conservation awareness.
- "45 Ton Talk" given at Outrigger Keauhou Beach Resort on January 23 and February 20.
- Recorded radio interview on February 1 for LAVA 105 FM that aired on Sunday, February 3, regarding a variety of humpback whale and sanctuary concerns.
- Conducted school visits and gave presentation at Hawaii Pacific Academy (20 9th graders) and Parkers School (40 9th graders) on February 12.
- Homeschool visit to sanctuary office on February 26 – staff and volunteers worked with 25 students and 15 adults on activities and a whale watch.
- Gave art contest awards at Girl Scout event on March 5.
- School visit to Kealahou Middle School on March 7 – visited four classes of 7th graders and gave presentations on whales in preparation for whale watch on March 14.
- Held monthly evening volunteer meetings to maintain and enhance sanctuary and marine mammal response network held on January 2 and February 6.

State Research Permits

With excellent weather lately, our humpback whale field research permittees are reporting productive activities on the water this season. State operations coordinator, David Nichols, attended the annual humpback whale researchers meeting on Maui, February 11, to discuss research results, collaboration, permitting and other topics. NMFS PIRO organized the meeting.

Hawaiian Monk Seal Conservation – conducted with funding and oversight from NMFS PIRO PRD and technical support provided by NMFS PIFSC.

Kauai Seal Conservation

Kauai monk seal response network coordinator, Mimi Olry, DVM, provided the following summary of activities over the reporting period. (Note: RH40, TT40, etc. are NOAA tag numbers and are used to refer to individual seals.)

Kauai Seal Response

- Responded frequently to molting seals, RH40, TT40, RK12 and RK03 on the crowded south shore beaches, requiring intensive monitoring to prevent disturbance while these seals stayed the 2-3 week duration of molt.
- RB24, the weaned pup that had been attacked by a dog and went missing for a while, reappeared on east shore along beaches that have heavy vehicular traffic and loose dogs. Intense monitoring has been required to protect her. DoCARE responded several times to cite offenders.
- Replaced worn and lost signs and supplies for “seal protection zones” with the south and east side resorts and lifeguard towers; and updated contact information.
- Kayaked to Palama beach, to investigate beach and land access (private, but frequently trespassed) and discover 5 seals hauled out...need to improve monitoring there.
- RK35 - reported injury near tracking device on her back. Tracking device had come off, no injury found. Reported to PIFSC loss of device.
- RK30 - reported entangled with fishing hook possibly ingested. Found seal with small ulua hook actually embedded in the side of the mouth. Due to seal being pregnant no intervention was done; the seal will probably lose the hook on its own.
- RB24 - reported by monitoring volunteers entangled in heavy net along Wailua coast in the evening. Emergency response, searched with volunteers and flashlights along the east coast, but unable to locate juvenile seal. Organized volunteers to search the following day; no success. Young seal reappeared on second day unharmed and in good condition.

Kauai Seal Outreach and Education

- Volunteers recruited by contract associate. Developed a power point presentation and script for volunteers to deliver to guests and south shore residents at the Waiohai Marriott every Friday afternoon.
- Pup event report compiled for NOAA PIRO newsletter.
- Reviewed revisions for DAR website material for seals, dolphins, turtles and whales.
- Submitted information and photos for an entry in “A Hawaii Visitor’s Volunteer Guide” edited by Kirsten Whatley and Island Heritage.
- Monthly updates sent via email to all volunteers.
- Developed a brochure to be given after hotel presentations to recap important points about HMS recovery and how the public can get involved.

Kauai Seal Policy and Science

- Collated and submitted all reports and photos to NMFSC/PIFSC for 2007 for Monk Seal Recovery Team Meeting and also latest reports for 2008.
- Collected testimonies/evidence from volunteers and public to provide to NOAA OLE regarding unleashed dog attacking weaned pup RB24 at Maha’ulepu beach.
- Continued collaboration with DoCARE, Supervisor, Bully Mission, to enforce leash laws, no animals in county parks, and reckless driving of ATV’s and trucks on the beaches.
- Collaborated with Haena State Parks Ranger, Megan Juran, to improve seal and marine animal protection at Haena and Ke’e State Beaches.

- Collected molt and scat samples for PIFSC.
- Retrieved pile of marine debris on Maha'ulepu beach, that were tangled float lines and buoys apparently from US Navy. Returned these to John Berger, Environmental Coordinator PMRF.

Kauai Seal Volunteers

- Updated database of 300+ volunteers with "primary volunteers" phoning all volunteers. Other volunteers then assisted to update all contact information and enter it into our Excel database
- Developed with assistance from David Schofield, NOAA PIRO a "Primary phone tree system". Seasoned, committed volunteers were recruited and will assist with communications and updating volunteers of the Hawaiian Monk Seal Conservation Hui. This is to keep volunteers regularly informed, engaged, and quickly contacted in case of emergency stranding.
- Annual "mahalo" party for volunteers and Poipu lifeguards held after beach cleanup at Poipu beach park.
- Designed and delivered "certificates" to acknowledge and thank volunteers that had assisted for two and half months with the monitoring and care of the mom and pup born in October
- Informed volunteers of various bills going through Congress for the designation of the Hawaiian monk seal as the state mammal, and to recognize annual Hawaiian monk seal day.

Hawaii Island Seal Conservation

Although Hawaii Island sanctuary programs coordinator, Justin Viezbicke, took several calls about hauled-out monk seals, none required field response, and he was not as busy with monk seals this reporting period as he was in late 2007. The juvenile female "042" has been behaving herself better these days, and NMFS PIRO and PIFSC have been able to provide observers on several days to monitor her activities.

Oahu Seal Conservation

ESA Section 10 Incidental Take Permit and ESA Section 6 Grant

On February 19 and 20, interviews for the DLNR incidental take permit (ITP) coordinator position were conducted and the new coordinator was selected and will start work as of April 1, 2008. Filling the ITP program assistant position will be one of the first tasks undertaken by the new coordinator. The sanctuary's state office also continued administration of the grant from NMFS under Section 6 of the ESA to support monk seal conservation on Kauai and provide initial funding for the ITP efforts. Unfortunately, the application for the second year of grant funding (Oct '08 – Sept '09) was not selected for funding by NMFS, even though we received high marks for technical merit and need. We are now exploring other funding possibilities, including grants from USFWS.

Hawaiian Monk Seal Recovery Team Meeting

As the representative for DLNR, I attended the annual meeting of the Hawaiian Monk Seal Recovery Team on February 5-7. This meeting, sponsored and organized by NMFS PIRO, was the first team meeting after the finalization and acceptance of the new ESA recovery plan for the Hawaiian monk seal. The team heard further bad news regarding the continued rapid decline of the overall seal population, while we heard some good news about the growing (albeit small) population of seals in the Main Hawaiian Islands. The team developed a series of

recommendations for NMFS regarding research and conservation efforts, including emphasis on actions that improve the survival of juvenile female seals to reach reproductive age.

Other Marine Mammal and Sea Turtle Standing Response (conducted with oversight from NMFS PIRO Protected Resources Division and NMFS PIFSC Marine Turtle Research Program)

Kauai

- Mimi Olry and DOCARE officer responded to a spinner dolphin in the Anahola River on January 15, 2008. The dolphin was weak and "out of habitat," and it was humanely euthanized by NOAA contract veterinarians. Samples were taken for analysis.
- Mimi Olry and DOCARE officer responded to a reported stranded humpback calf near Polihale on March 8, 2008. Turned out to be a false alarm; the calf was just very close into shore.

Hawaii Island

- Viezbicke fielded several calls about stranded turtles and made referrals to partner agencies and volunteers for appropriate action.

Maui

- Several Maui sanctuary, DAR, DOCARE, and DOFAW staff supported the response to a dead stranded humpback calf on the beach at Puamana, near Lahaina, on February 25, 2008. The calf was reported by concerned citizens to be alive earlier in the day in nearshore waters, but apparently died and washed on shore by mid morning. Nicole Davis, NMFS PIRO contract marine mammal response coordinator for Maui, coordinated the removal of the carcass, necropsy and carcass disposal. Maui County deserves a lot of credit for providing heavy equipment to get the carcass off the beach and transport it to the necropsy and disposal site. Sanctuary and NMFS staff will continue to work with Native Hawaiian practitioners on Maui and other islands to enhance the integration of traditional cultural practices into our marine mammal stranding response efforts.

Open Ocean Aquaculture

Kona Blue Water Farms

I joined Justin Viezbicke and NMFS PIRO marine mammal network response coordinator, David Schofield, in a meeting with Neil Sims and other KBWF staff regarding the proposed expansion of their cage array system off Keahole Pt. as well as to discuss some concerns about bottle nose dolphins frequently interacting with KBWF divers, fish stock and cage structures. Viezbicke and Schofield snorkeled over the cages after the meeting to observe the dolphins. Diver safety and possible MMPA "takes" are among the concerns. A memo outlining the concerns and recommending various mitigating measures was prepared in coordination with NMFS and KBWF and submitted to DLNR OCCL on February 21, 2008. Comments from the DAR state sanctuary office regarding the proposed expansion are still under development. The DLNR OCCL permitting process may be delayed as a result of a contested case claim.

Maui Fresh Fish, LLC

I joined other DAR and NMFS staff at an inter-agency briefing held at the state Aquaculture Development Program (ADP) Office on January 17 regarding the plans of Maui Fresh Fish, LLC (MFF) to develop an open ocean fish cage farm off the southwest coast of Lanai. This meeting was an opportunity for MFF to present their current plans and for agencies

to discuss possible permitting and other regulatory and policy requirements. As is the case for the other two cage systems already in operation in Hawaii, DLNR, DOH, and US Army Corps of Engineer permits are expected to be required for this project. MFF have indicated that they would be happy to provide a presentation to the Council.

Hawaii State Legislature

The state sanctuary office has taken the lead in drafting supporting DLNR testimony for the following bills:

Bill No.	Description	Status
SB 3169	Creates two DLNR positions to support Hawaiian monk seal conservation	dead
HB 2626	Designates Hawaiian monk seal as state mammal	crossed over
SB 2464	Designates Hawaiian monk seal as state mammal (HB 2626 companion)	crossed over
HB 2625	Designates April 19 as state Hawaiian monk seal day	deferred
SB 2465	Designates third Saturday in April as state Hawaiian monk seal day	crossed over

Hawaii Superferry

The Alakai went into dry dock on February 13 and HSF hopes to re-launch her in late April. Regarding the reported damage to the vessel's rudder system, I have confirmed with NMFS PIRO, who subsequently confirmed with USCG, that there is no reason to believe that the damage was related in any way to a whale collision or any other whale-related incident.

The DOT Hawaii Inter-Island Large Capacity Ferry Vessel Oversight Task Force has held four meetings thus far. The agenda and minutes of the meetings to date reflect discussions on various organizational and administrative aspects of the task force. There has reportedly been little or no discussion specific to whales and/or the sanctuary, except at the most recent meeting on March 10, 2008, where an update on the progress of the rapid risk assessment was provided by a representative from Belt Collins, the contractor hired by DOT to conduct the assessment. Dr. Joe Mobley and Marine Mammal Research Consultants (MMRC) has been sub-contracted by Belt Collins to handle aspects of the assessment related to marine mammals, including an analysis of the potential secondary impact and mitigation associated with the statewide harbor improvements. The final RRA report is expected to be available to the public in June 2008. More information on the task force and the rapid risk assessment can be obtained at the following web site: <http://hawaii.gov/dot/harbors>

Other Activities, Meetings, Etc.

Jan 12 – Walters met with David Schofield, NMFS PIRO, re marine mammal response network coordination.

Jan 14 – Walters briefed DLNR Chair, Laura Thielen, and DAR Administrator, Dan Polhemus, re possible strategies for DLNR involvement in sanctuary management plan review process.

Jan 16-17 – Walters attended the NOAA marine debris workshop.

Jan 23-24 – Viezbicke and Walters attended sanctuary condition report workshop.

Jan 25 – Nichols and Walters attended International Year of the Reef (IYOR) activities at State Capitol.

Feb 20 – Walters joined SAC executive committee conference call.

Feb 20 – Walters and McIntosh briefed Larissa Nojek, staff person for Senator Daniel Inouye, regarding state sanctuary office activities, including monk seal conservation activities.

Feb 28 – Walters joined conference call debrief re stranded humpback calf response on Feb 25.

Feb 29 – Walters joined Masters Thesis committee conference call for UH Hilo student and NMFS Hawaii Island marine mammal response contractor, Melissa Netz, re her monk seal research project.

Mar 6 – Walters joined SAC education committee conference call and new SAC member briefing conference call.

Mar 7 – Walters joined SAC research and conservation committees joint conference call.

Mar 10 – Walters attended DLNR DAR meeting regarding Fisheries Disaster Relief Program.

Mar 12 – Walters attended DLNR DAR meeting regarding Sport Fish Aid and Restoration Program.

Attachments

cc: Laura H. Thielen, DLNR Chairperson
Ken C. Kawahara, First Deputy, DLNR
Dan Polhemus, DLNR-DAR Administrator
Allen Tom, NMSP Pacific Islands Regional Coordinator
Naomi McIntosh, HIHWNMS Sanctuary Superintendent

Posted on: Saturday, February 2, 2008

Boaters urged to keep watch for whales

By Lynda Anatava
Advertiser Staff Writer

With two reported collisions between humpback whales and vessels so far this whale season, state and federal officials yesterday reminded boaters and other ocean users to take appropriate steps to avoid such incidents.

One reported collision occurred Jan. 10 on the north Kona coast, and another was off Waikiki on Jan. 27, said Jeff Walters, an manager of the 1,400-square-mile Hawaiian Islands Humpback Whale National Marine Sanctuary. Both incidents involved small tour boats and were reported by the operators, he said.

One collision is believed to have involved a calf, and it appears in both cases the whales swam away, said David Schofield, aerial mammal response coordinator with the National Oceanic and Atmospheric Administration Fisheries Service. The collisions are still under investigation by the Fisheries Service and NOAA Office of Law Enforcement.

Walters and Schofield yesterday emphasized that boaters need to be careful.

"It's important to avoid collisions for at least two different reasons. One is conservation of the animal because it is an endangered species," Walters said. "And the other one is public safety. These are 40-ton animals. Even a defunct piece of boat sits that kind of object in the water and there could be human injuries and vessel damage."

On Christmas Day 2003, a 9-year-old boy suffered fatal injuries when the whale watching boat he was on struck a humpback whale off Diamond Head. The next month, a Maui man was knocked unconscious when his 18-foot fishing boat struck a whale.

Two reported collisions so far this season is not unusual, with collisions averaging five to seven a year, Schofield said. There were six reported collisions in each of the last two whale seasons.

But that underscores the fact that there are many whales in Hawaiian waters this time of year, Schofield said. Up to 10,000 humpback whales visit Hawaii from November through May, with a "super" season from January through March, Walters said. The population growth rate is about 7 percent a year. "Quite significant for a natural population," he said.

Walters said boaters must heed state collision-avoidance guidelines: Always post a dedicated lookout in addition to the captain, watch the vessel speed, and never leave the helm.

"Be ready to react at any moment, and also take some time to understand your environment, understand the waters that you're working in and learn how to spot whales," Walters said. "You need to look for blows and breaches. Always scan out ahead of you. Even the slightest odd wave or wrinkle in the water that looks out of the ordinary, that could be a whale, so you need to carefully scan away from that."

Schofield also recommended using propeller guards.

"This is basically a school zone for whales," Schofield said. "You wouldn't drive your car 50 miles an hour through a school zone when the light is flashing yellow, so we need you to slow down out there because there's a lot of kid whales out there right now. A lot of kiddie whales."

Schofield also said there have been two instances of entangled whales this season. The reports came in too late for officials to get at either whale, but one is still in the area, he said. There were six entanglements last season, and in four of those cases experts were able to remove the gear, he said.

He encouraged boaters to report an entangled whale immediately.

Reach Lynda Anatava at lyndakawa@honoluluadvertiser.com.



David Schofield, of NOAA Fisheries Service, left, and Jeff Walters, of the National Marine Sanctuary, explain the importance of strict boating procedures to help protect whales...

JEFF WIDENER / The Honolulu Advertiser

AT A GLANCE

Up to 10,000 humpback whales are in Hawaiian waters from November through May. Tips to avoid whale collisions:

Keep a sharp lookout. Look for "blows," dorsal fins and tails. Even unusual waves or wrinkles in the water may be a whale. Post at least one dedicated whale lookout in addition to the operator from November through May.

Watch your speed. Research shows collisions at vessel speeds above 10 knots cause more whale deaths and serious injuries than those at slower speeds.

Stay at the helm.

Keep your distance. Federal regulations require ocean users to stay at least 100 yards away from humpback whales.

Call the NOAA hot line,

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West Hawaii Today

Volume 1, Number 1, January 1, 2000

West Hawaii Today

Humpback whale collisions off Hawaii coast serve as reminder

By Carolyn L. Scott
West Hawaii Today
CLSCOTT@WESTHAWAII.COM
Friday, February 8, 2000 10:00 AM HST

Three collisions between humpback whales and vessels in Hawaiian waters this year serve as a reminder to boaters to keep an extra lookout over the next few months.

"We're not trying to scold the boaters. They tend to be great stewards of the environment and our best partners," said Jeff Walters, co-manager of the 1,400 square-mile Hawaiian Islands Humpback Whale National Marine Sanctuary. "Most do not want to hurt the whales and some have developed sophisticated ways and tips to prevent harm. We're just asking for continued caution."

The most recent strike, involving a private boat, occurred Tuesday in the ocean off Lanai. The other incidents with tour boats happened in January in the waters off the Kona Coast and Waikiki.

The captains reported no vessel damage or injured people. The condition of the whales is unknown. All accidents remain under investigation. Walters would not release Wednesday the names of the people or vessels involved.

Collisions happen annually, and the frequency could increase because of ocean traffic, which has risen slightly. The number of registered vessels jumped from approximately 13,000 to more than 15,000, of which many are larger boats. However, the congestion and effect have not been properly examined, according to the society.

There were six confirmed incidents in the past season and the previous season. Walters said he believes the trend may continue this year. More whales, boats and collisions could possibly mean new management strategies in the future.

As many as 10,000 humpback whales may visit Hawaiian waters from November through May to mate, breed, give birth and care for their young. While some arrive early or late, the peak typically occurs now through March. This North Pacific population is believed to be growing at an annual rate of about 7 percent since the mid-1980s, Walters said.

"I want to believe this significant growth rate is because the whales are better protected, not disturbed and less confrontable in the conditions than to reproduce," he said. "I also think the majority of ocean users are respectful. There are just a few people who need to be educated about the regulations and human-whale interactions."

Close encounters are not uncommon, usually because humpback whales are unpredictable and sometimes difficult to spot. Besides the obvious blows, breaches and other surface antics, Walters said other visual signs and customs are not necessarily well-known to ocean users. He mentioned less visible males trailing behind a group, chasing a lone female or an escort male following mother-calf pairs. He also spoke of odd reflections, dark patches and fluke prints, circular patches of smooth, calm water left behind by the upwelling created as the whale lifts its tail.

"Whales will show only a small portion of their body above the surface when they are logging, a behavior where whales just roll at the surface, resting or sleeping. The only sign of a logging animal may be a brief glimpse of something shiny and/or dark," he said. "Patches of green water may also serve as a whale warning. The white postural fins and/or bubbles emitted by submerged humpbacks can look light blue or greenish from the surface."

To reduce the risk of collisions, the sanctuary offers workshops and guidelines, which do not replace federal or state law. Humpback whales are protected under the Endangered Species Act, Marine Mammal Protection Act and National Marine Sanctuaries Act. It is illegal to approach them within 100 yards in Hawaiian waters and 1,000 feet when operating an aircraft, without special permission from National Oceanic and Atmospheric Administration Marine Fisheries Service.

A collision may violate three federal statutes and one state law. Violators can face a \$125,000 fine, confiscation of vessel and suspension of an operator's license. To date those boaters who have followed the guidelines and struck a whale accidentally have not received a fine or served a disciplinary action, Walters said.

When a ship strike occurs, NOAA wants boaters to report it immediately to the agency's Office for Law Enforcement at (800) 853-1984 or Fisheries Service at (888) 256-1840. Both hotlines are available 24 hours.

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8 LIVE • LOCAL • LATE BREAKING

Whale Collision Warnings

Updated: Feb 1, 2008 07:51 PM



By [Walter Makaula](#)

HONOLULU (KHNL) -- A collision between a boat and baby whale last weekend has prompted action.

That accident, along with another one a few weeks ago off the Kona coast has officials warning boaters to stay out of the animal's way.

Jeffrey Walters of the Department of Land and Natural Resources said, "Always post a dedicated look out in addition to the captain, watch your speed, never leave the helm."

He said, the warnings can't come at a better time, as we are right in the middle of whale season.

"We have as many as ten thousand humpback whales coming to Hawaii over the winter whale season so it's especially important for all boaters," said Walters. "We've had already two reports of vessel whale collisions this year."



He also warns boaters to "take some time to understand your environment, understand the waters that you're working in and learn how to spot whales."

David Schuffield, a Marine Mammal Response Coordinator is the first person called when a boater hits a whale. One of his primary concerns is for the calves.

He said, "slow down out there cause there's a lot of kid whales out there right now. Lot of keiki whales."



Federal law requires all water vessels keep at least one hundred yards away from whales. With a reminder of the guidelines in place its hoped, the five to seven whales harmed every year in hawaiian waters will come to a stop.

February is humpback whale awareness month.



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Attachment 4

Kaua'i County Report James T. Yamamoto, Representative March 13, 2008 Sanctuary Advisory Council

- The Hawaiian Islands Humpback Whale National Marine Sanctuary •

Accomplishments:

Accompanied Jean Souza, Kaua'i Program Coordinator, to a Student Ocean Count outreach program at Island School. This private school in Puhi—outside Lihu'e—is in the back of the Kaua'i Community College site, mauka side, and has a campus supporting 330 students in pre-K to 12. First session was on Tuesday, February 5, 2008 in a classroom on campus just after lunch. Second occurred on Thursday, the 8th at the Ocean Count Kapa'a Lookout from 8:30 to 10:30. Follow-up discussions took place at the school later that morning.

A short DVD movie, five minutes in length, was made and covered both sessions. Most of the students were focused. The few, who were not, nevertheless, were exposed. The next and final session for this Island School science class will happen on April 1, 2008 with a boat excursion along the southern coast of Kaua'i. Should be exciting!

While I have not gone on an on-water activity—until the scheduled April 1, 2008 session—Jean has been busy with the pilot program she started, called Simulated SPLASH Research with Students. So far, she has presented 60-minute discussions to over 300 high school students (Waimea High School and Island School) and has gone out on the boat with students to simulate field research (take fluke and dorsal ID photos, Use GPS hand-held units to record start/end tracks of groups of humpback whales and other species—spinners and bottlenose dolphins). Teachers are preparing their students to analyze data with mapping and photo resources. Field work has been conducted with three boatloads of students, with a fourth scheduled for April 1st.

Finally, at the recent Ocean Count Kapa'a Lookout site on January 26, Jean and site volunteers were videotaped by a crew from KVIN (The Kaua'i Channel 26). That site visit and an in-studio interview with Jean were eventually aired on Channel 26 and continues to run with "The Whale Report."

Events Attended:

Ocean Count site leader at the Kapa'a Lookout for the periods Saturday, January 26, 2008 and Saturday, February 23, 2008 and the aforementioned outreach sessions at Island School in February 2008.

Hot Topics:

Announcements:

- Thursday, March 20 Science at the Beach student workshops at Poipu Beach Park, where hands-on marine science activities will be conducted in concurrent sessions for elementary age Girl Scouts and students from Waimea High School's zoology and biology classes. Scheduled from 9 a.m. to noon.
- Sanctuary Ocean Count site leader duties scheduled for March 29, 2008.
- Kate Mink's Island School science students and Jean's ocean-based Simulated SPLASH Research with Students on April 1, 2008.
- Sanctuary booth at the Kilauea Point Wildlife Refuge's Ocean Fair set for Saturday, July 12, 2008 from 10:00 a.m. to 4:00 p.m. Coordinated by Jean Souza with the theme, International Year of the Reef.

Attachment 5

Hawaiian Islands Humpback Whale National Marine Sanctuary Maui County Report to the Sanctuary Advisory Council

March 13, 2008

Events Attended:

March 6 – Meeting of the Maui Nui Marine Resources Council, whose mission is to provide local input on critical resource management issues affecting health and sustainability of near shore waters to relevant state agencies. The council supported HB3260 to establish a bag limit on several species of fish although this was not passed; and SB3225 the “Aquarium Bill” that seeks to limit collection of certain species of ornamental reef fish.

March 7 – Participated in the SAC Conservation Committee conference call.

Other Activities:

On March 10, Nancy Daschbach provided a short tour of the new Kihei Education Facility which now has the colorful tile floor installed and some finish painting completed; work on the A/V installation should commence soon. However, the \$25,000 in matching funds awarded through the County/HTA partnership to support purchase of some A/V equipment and a lecture series has been stalled at the contract level. This delay is due to difficulties of NMSF (the grantee) in obtaining a tax clearance from the IRS – a requirement for all County contracts. At this stage NMSF has indicated they are re-submitting the paperwork for the tax clearance, and hopefully it will be approved this time. The long delay speaks to the challenge of the Sanctuary having its foundation partner on the East coast. It's recommended that the Sanctuary continue to explore the possibility for a Hawaii-based non-profit partnership that could facilitate local program support.

Ma'alaea Harbor Interim Pump Program – The County OED is working with Tri Isle RC & D Council to renew funds to support continued pump truck services through 2008 for recreational vessels at the harbor as an alternative to dumping waste in the ocean/sanctuary. The state has indicated that a permanent pump station will not be on line until 2010.

Sanctuary Advisory Council

Conservation Committee Report, March 10, 2008

Lou Herman, Chair

A joint telephone conference of the Conservation and Research Committees was held on Friday, March 7, 2008. The purpose was (1) to review and prioritize the list of objectives presented at the Annual Retreat; (2) provide recommendations on presentations before the Committees or the Council; and (3) schedule regular calls. This report is limited to item 1 as it pertains to the Conservation Committee prioritization of objectives.

Conservation Committee Objectives for 2008, listed in order of priority:

1. **Ship strikes and entanglements.** Tasks include (a) monitoring the occurrence of and details of ship strikes and entanglements; (b) encouraging the development and implementation of measures to reduce collisions (e.g., slower speed, multiple lookouts, communication between ships); (c) educate the SAC on advancements in ship strike mitigation strategies and technologies, through information from or presentations by experts; and (d) monitor Superferry's success in carrying out its whale avoidance policy, through summarizing reports and through personal experiences of SAC members aboard the Superferry, as feasible.
2. **Educate the SAC on the latest research and conservation findings on humpback whales** (e.g., provide abstracts, invite experts to make presentations).
3. **Consider how the Sanctuary might further assist in monk seal protection and recovery** (emphasis to be on encouraging the growth and protection of the sub-population using the main Hawaiian Islands for foraging, haul-outs, and pupping).
4. **Monitor the existing aquaculture projects for impacts on whales and other marine species and consider and comment on the implications of any newly proposed projects on their impacts on whales and other marine species.**
5. **Educate the SAC on new species that may be proposed for inclusion in the Sanctuary** (lectures by experts)
6. **Consider how the Sanctuary might further assist in sea turtle protection,** (with emphasis on the endangered hawksbill turtle).
7. **Continue petitioning for more pump-out facilities at Hawaii's harbors.**
8. **Focus conservation efforts principally on local issues and continue to offer letters supporting effective and adequately funded Sanctuary operations.**

Attachment 7

MINUTES OF THE SAC EDUCATION COMMITTEE March 6, 2008 2:00 pm

SAC Members: Liz Kumabe, Jennifer Barrett, Pohai Kirkland, Teri Leicher
Sanctuary Staff: Jeff Walters, Mary Grady, Paul Wong, Jean Souza

VOTING

Motion was made by Liz and seconded by Teri that the SAC Education Committee recommends that a public effort be made by NOAA Fisheries and/or Sanctuary to increase whale awareness, increase awareness of whale avoidance measures, and increase reporting of whale/vessel interactions.

Unanimously approved by Liz, Jennifer, Pohai, and Teri

Call to Order

The meeting was called to order shortly after 2:00 pm

Announcements

Mary announced that she was leaving the sanctuary effective March 21, 2008

Jeff welcomed new members to the SAC, including Jennifer and Pohai, and new committee chair Liz.

Jeff announced that there have been 7 confirmed vessel-whale collisions so far this season. Members and staff discussed the possible need for more education of boaters and other ocean users.

Motion was made by Liz and seconded by Teri that the SAC Education Committee recommends that a public effort be made by NOAA Fisheries and/or Sanctuary to increase whale awareness, increase awareness of whale avoidance measures, and increase reporting of whale/vessel interactions.

The motion was

Unanimously approved by Liz, Jennifer, Pohai, and Teri.

The goals of the increased public awareness effort are: an informed public; vessel safety; and passenger safety.

Liz announced that the Sanctuary's Ocean Art, Essay and Poetry contest received 100 entries from students in Grades 1 through 6. The art work was on display at Hanauma Bay.

Prioritizing 2008 Committee Objectives—Setting Goals and Timelines

Organize the committee

Members and staff discussed the roles of the members, including facilitating communications, giving the sanctuary feedback on ongoing/planned projects; advocating for projects and efficiencies; representing members' constituencies.

Needs were defined: members/committee's roles and responsibilities; timelines for tasks; conference call schedule; what is expected in certain amount of time

Members and staff agreed to increase the frequency of committee meetings from four times a year to once a month—to work on priorities, improve communications between SAC and staff, and provide meaningful and timely input. The new schedule for the **SAC education committee meetings (conference calls) is the first Thursday of each month at 2:00 pm**. The next meeting is scheduled for April 3.

Liz and Jennifer are to start identifying topics for each meeting.

Help with evaluation of education programs

At an future committee meeting, Patty Miller and Jean will provide an explanation and status report on the Sanctuary's efforts to evaluate its education programs

Blue Seas, Green Communities Initiative

There was much discussion about this initiative, which is the focus of a working group headed by Teri. Staff is working on a matrix identifying the sanctuary's efforts and considerations to date. Paul will help designate a staff member to help the working group. (Post-meeting note: Nancy Daschbach, who is the staff lead on greening, has been assigned to help the working group).

Management Plan

Mary provided an update as follows: Phase 1 has been sent to the governor—report on additional species; The schedule for Phase 2, which includes the management plan review and re-authorization, is not definite and is dependent on funding. Other components of Phase 2 include: public scoping meetings, contractors to help with assessments, issue prioritization, reviewing additional resources. Products include: action plans, draft management plan, and regulations.

The next SAC meeting will include a visioning session.

Strengthen what the sanctuary is already doing

These will be discussed in future committee meetings/

Education and outreach for other SAC initiatives

This will be discussed in future committee meetings.

IV. Next Meeting

A. Scheduling Regular Calls

Monthly meetings have been scheduled for the first Thursday of the month at 2:00 pm. Next meeting is on April 3, 2:00 pm. (Post meeting note: the conference call line has been reserved for our meetings for the rest of the year.)

V. Adjournment

Meeting was adjourned at 3:30 pm

Respectfully submitted,
Liz Kumabe, Chair

Attachment 8

Research Chair's Report to the Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council

Adam A. Pack, Ph.D.

For March 13, 2008 Sanctuary Advisory Council Meeting

This report contains a brief summary of events and accomplishments related to research since the January 10, 2008 SAC retreat.

- I. Joint meeting of Research and Conservation Committees
 - a. On March 7, 2008 the SAC research and conservation committees held a joint conference call meeting to discuss three items: prioritizing the list of committee objectives for 2008 and determining which items can be shared with the conservation committee, creating a list of potential speakers for 2008, and determining a time for monthly committee conference calls. The results follow:
 - i. Ordered list of Research Committee Priorities for 2008 (* = shared with Conservation Committee)
 1. *Review available data on current issues facing Sanctuary (e.g., SuperFerry operations, ship strikes and speed, entanglements, aquaculture) and identify research approaches to deal with these issues
 2. *Increase interaction with experts on issues to help educate Research Committee and SAC (e.g., humpback whales, other species, new technologies)
 3. Write letters of support on behalf of SAC for Sanctuary research program activities (SPLASH data analysis, other critical research objectives)
 4. *Obtain first hand experience in ongoing issues
 5. Deal with local issues as tasked by SAC
 - ii. List of potential topics/speakers for 2008
 1. Primer on Acoustics and Marine Mammals – Adam Frankel or Whit Au
 2. Data on Superferry whale avoidance - Dr. Joe Mobley
 3. SPLASH (numbers of whales, stocks, etc.) - Dave Mattila
 4. RADAR technology for avoiding ship strikes – Dr. Joe Mobley
 5. Additional species – as appropriate
 6. Sanctuary supported research: Alison Stimpert (humpback whale social sounds)
 - iii. Times for monthly committee calls (joint with conservation)
 1. The committee decided to have a regularly scheduled conference call the third Wednesday of each month at 2 PM.
 - b.
 -
- II. Update on Ship strikes and entanglements 2008 (see Tables 1 and 2 for details)
 - a. There have been a total of seven reports of ship strikes on humpback whales in Hawaiian waters this season
 - b. There have been a total of five reports of whale entanglements in Hawaiian waters this season
- III. Mortalities

- a. On February 25, a female humpback whale calf stranded at Puamana, West Maui. Witnesses reported tiger sharks present. An autopsy was conducted at the Olowalu landfill. The results did not reveal any gross abnormalities with the calf or any evidence of a ship strike.
- IV. Superferry
 - a. Dr. Joseph Mobley of the University of Hawaii was contracted to conduct an assessment of the Superferry's operations related to whale avoidance during the 2008 season. The research committee will request that Dr. Mobley present the results of this study at the June meeting of the SAC.
- V. Sanctuary Assisted Research
 - a. For two 2-week periods, Sanctuary staff assisted University of Hawaii doctoral candidate Alison Stimpert in conducting research on acoustic behavior of humpback whales using acoustic tags. Sanctuary boats were used for deployment.
- VI. Conferences and Meetings
 - a. A NOAA sponsored researchers meeting was held on February 11, 2008 in Lahaina for researchers with Federal and State humpback whale research permits. David Mattila made a brief presentation on SPLASH. The different research groups briefly presented their focuses for the 2008 season. In addition to David Mattila and Ed Lyman from the HHHWNMS, representatives were present from NOAA Pacific Islands Regional Office, State of Hawaii DLNR, NOAA Fisheries Office of Law Enforcement, and US Coast Guard.
 - b. "Whale Quest" a weekend of public research presentations, films, and information on marine related topics was held Feb. 15-17 at the Ritz Carlton, Kapalua. Ed Lyman conducted whale disentanglement demonstrations for students. Adam Pack gave a presentation on the history of ship strikes on whales in Hawaiian waters and current technologies to help mitigate strikes.
- VII. Materials for SAC members
 - a. On February 10, 2008, Adam Pack compiled and emailed SAC members the 13 abstracts of research presentations on humpback whales in Hawaiian waters from the 17th Biennial Conference on the Biology of Marine Mammals held in Cape Town, South Africa (29 November – 3 December, 2007).
- VIII. New Papers on Humpback Whales in Hawaiian Waters:
 - a. Herman, E. Y. K., Herman, L. M., Pack, A. A., Marshall, G., Shepard, C. M., & Bakhtiari, M. (2008). When whales collide: Crittercam offers insights into the competitive behavior of humpback whales on their Hawaiian wintering grounds. *Marine Technology Society Journal*, 41, 35-43.

Table 1. Reports of Vessel Collisions with Humpback Whales in Hawaiian Waters (2008 season)

<u>Incident</u>	<u>Date</u>	<u>Location</u>	<u>Age-class</u>	<u>Vessel type</u>
1	1/10/08	Big Island	Adult	commercial boat
2	1/27/08	Oahu	Calf	Commercial sailboat
3	2/5/08	Maui	Adult	Private boat
4	2/27/08	Oahu	Adult	Military boat
5	2/28/08	Maui	Subadult	Tour boat
6	3/4/08	Big Island	Calf	Tour boat
7	3/5/08	Maui	Adult	Tour boat

Table 2. Entanglement Reports of Humpback Whales in Hawaiian Waters (2008 season)

<u>Incident</u>	<u>Date</u>	<u>Location</u>	<u>Age-class</u>	<u>Description</u>
1	12/9/07	Maui	Subadult	Monofilament line around tailstock
2	12/29/07	870 nm NNE of HIS	Unknown	Mainline from commercial longliner: cut free
3	1/2/08	Maui	Calf	Small line from right side mouth
4	1/26/08	Maui	Subadult	Polypro line from forward on body
5	2/10/08	Maui	Adult	heavy gauge line through mouth and along body

Note: Data for Tables 1 and 2 are from Hawaiian Islands Disentanglement Network website:
www.whaledisentanglement.org

**Hawaiian Islands Humpback Whale National Marine Sanctuary
Sanctuary Advisory Council—Aquaculture Working Group Report
Mike Stanton, Chair**

March 13, 2008

Prioritization of Aquaculture Working Group 2008 Objectives

1. Report any known whale interactions with any aquaculture operations statewide *+
2. Identify any new proposed aquaculture operation wishing to operate within Sanctuary boundaries or expansion of existing operation *+
3. Gather information that assists the Sanctuary management in monitoring activities +
4. Assist the Sanctuary management with gathering information on the proposed operation; assist in evaluating any potential impacts+
5. Lobby and advocate for better funding and proactive leadership for the state Aquaculture Development Program (ADP)
6. Create relationships with the aquaculture business operators, develop understanding of their challenges and successes; become a reliable communicator, understanding challenges and changes need to be advised +
7. Hawaii's aquaculture industry is in its early stages, how our relationships with the operators develop will have a major role in future mutual cooperation and confidence +

* Objectives to be addressed as soon as possible after trigger event occurs; not dependent on scheduled meetings, conference calls, etc.

+ Objectives at least partially dependent on regular communication and cooperation with aquaculture industry representatives

Aquaculture status is similar to what has been previously discussed:

Kona Blue Water Farms - expansion in limbo due to possible contested case hearing. Neil Sims latest update on their Expansion Permit Application: No change in the permit application from the previous version, but they are considering some revisions to the CDUP request to accommodate the concerns of some respondents to the initial proposal. The essence of the request will remain the same: increasing the size of the existing cages from 3,000 cu mtrs to 6,000 cu mtrs each, but adding no new cages. Consolidation of the grid will allow them to remove some of the mooring lines, and move the cages presently closest to shore to further offshore. Dolphins are daily visitors and causing concerns, humpbacks are being reported in the area about once every 2 weeks, but no serious interactions.

Maui Fresh Fish - no new developments that Jeff Walters is aware of. They had their inter-agency scoping meeting at ADP on Jan 17, but their plans were still the same as before - hatchery on Maui, cages off SW Lanai (in sanctuary).

State Aquaculture Development Program (ADP) - still hasn't hired program director or other technical staff.

Maybe there would be something the Working Group could try to move forward, e.g., letter to State Dept. of AG urging hiring ADP director and staff?